

AMENDED IN SENATE APRIL 21, 2014  
AMENDED IN SENATE MARCH 24, 2014

**SENATE BILL**

**No. 1266**

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**Introduced by Senator Huff  
(Coauthor: Senator Hill)**

February 21, 2014

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An act to amend Section 49414 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1266, as amended, Huff. Pupil health: epinephrine auto-injectors.

Existing law authorizes a school district or county office of education to provide emergency epinephrine auto-injectors to trained personnel, and authorizes trained personnel to use those epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction. Existing law authorizes each public and private elementary and secondary school in the state to designate one or more school personnel on a voluntary basis to receive initial and annual refresher training regarding the storage and emergency use of an epinephrine auto-injector, as specified. Existing law authorizes a school nurse, or a person who has received the training described above if the school does not have a school nurse, to, among other things, obtain a prescription for epinephrine auto-injectors, as specified.

This bill would require school ~~districts and~~ *districts*, county offices of education, *and charter schools* to provide emergency epinephrine auto-injectors to trained personnel and would ~~require~~ *authorize* trained personnel, ~~to the extent feasible~~, to use those epinephrine auto-injectors to provide emergency medical aid to persons suffering from an anaphylactic reaction. The bill would require each public elementary

and secondary school in the state to designate one or more school personnel on a voluntary basis to receive initial and annual refresher training regarding the storage and emergency use of an epinephrine auto-injector, as specified. The bill would require a school nurse, or a school administrator or his or her designee who has received the training described above if the school does not have a school nurse or the school nurse is not onsite or available, to, ~~among other things,~~ obtain the prescription for epinephrine auto-injectors, as specified, and would authorize the prescription for epinephrine auto-injectors to be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers. The bill would require an epinephrine auto-injector to be restocked as soon as possible after it is used and before its expiration date.

The bill would require the school nurse or designated employee to report any incident of epinephrine auto-injector use to the ~~Superintendent of Public Instruction~~ *school district, county office of education, or chartering authority* on a form developed by the ~~Superintendent State Department of Education~~ *within 30 days after the last day of each school year. The bill would require the* ~~Superintendent~~ *school district, county office of education, or chartering authority to report any incident of epinephrine auto-injector use to the department on those forms and would require the department to annually post the result of those forms on its Internet Web site, as specified. The bill would require a school district, county office of education, or charter school to ensure that each employee who volunteers is provided defense and indemnification by the school district, county office of education, or charter school for any and all civil liability, as specified.* The bill would authorize a public school to accept gifts, grants, and donations from any source for the support of the public school carrying out these provisions.

By requiring school districts and county offices of education to perform additional duties related to epinephrine auto-injectors, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 49414 of the Education Code is amended  
to read:

49414. (a) ~~School districts and~~ *districts*, county offices of  
education, ~~and charter schools~~ shall provide emergency  
epinephrine auto-injectors to trained personnel, and trained  
personnel ~~shall, to the extent feasible, may~~ use those epinephrine  
auto-injectors to provide emergency medical aid to persons  
suffering from an anaphylactic reaction.

(b) For purposes of this section, the following terms have the  
following meanings:

(1) “Anaphylaxis” means a potentially life-threatening  
hypersensitivity to a substance.

(A) Symptoms of anaphylaxis may include shortness of breath,  
wheezing, difficulty breathing, difficulty talking or swallowing,  
hives, itching, swelling, shock, or asthma.

(B) Causes of anaphylaxis may include, but are not limited to,  
an insect sting, food allergy, drug reaction, and exercise.

(2) “Epinephrine auto-injector” means a disposable drug delivery  
system with a spring-activated needle that is designed for  
emergency administration of epinephrine to provide rapid,  
convenient first aid for persons suffering a potentially fatal reaction  
to anaphylaxis.

(c) Each private elementary and secondary school in the state  
may voluntarily determine whether or not to make emergency  
epinephrine auto-injectors and trained personnel available at its  
school. In making this determination, a school shall evaluate the  
emergency medical response time to the school and determine  
whether initiating emergency medical services is an acceptable  
alternative to epinephrine auto-injectors and trained personnel. A  
private elementary or secondary school choosing to exercise the  
authority provided under this subdivision shall not receive state  
funds specifically for purposes of this subdivision.

(d) Each public elementary and secondary school in the state  
shall, and each private elementary and secondary school in the  
state may, designate one or more school personnel on a voluntary

1 basis to receive initial and annual refresher training, based on the  
2 standards developed pursuant to subdivision (e), regarding the  
3 storage and emergency use of an epinephrine auto-injector from  
4 the school nurse or other qualified person designated by the ~~school~~  
5 ~~district~~ *local educational agency* physician, the medical director  
6 of the local health department, or the local emergency medical  
7 services director. *However, each public school shall designate and*  
8 *have trained at least one person for the purposes listed in*  
9 *subdivisions (f), (g), and (h).*

10 (e) (1) Every five years, or sooner as deemed necessary by the  
11 Superintendent, the Superintendent shall review minimum  
12 standards of training for the administration of epinephrine  
13 auto-injectors that satisfy the requirements of paragraph (2). For  
14 purposes of this subdivision, the Superintendent shall consult with  
15 organizations and providers with expertise in administering  
16 epinephrine auto-injectors and administering medication in a school  
17 environment, including, but not limited to, the State Department  
18 of Health Care Services, the Emergency Medical Services  
19 Authority, the American Academy of Allergy, Asthma, and  
20 Immunology, the California School Nurses Organization, the  
21 California Medical Association, the American Academy of  
22 Pediatrics, Food Allergy Research and Education, the California  
23 Society of Allergy, Asthma and Immunology, the American  
24 College of Allergy, Asthma and Immunology, and others.

25 (2) Training established pursuant to this subdivision shall include  
26 all of the following:

27 (A) Techniques for recognizing symptoms of anaphylaxis.

28 (B) Standards and procedures for the storage and emergency  
29 use of epinephrine auto-injectors.

30 (C) Emergency follow-up procedures, including calling the  
31 emergency 911 phone number and contacting, if possible, the  
32 pupil's parent and physician.

33 (D) Instruction and certification in cardiopulmonary  
34 resuscitation.

35 (E) *Instruction on how to determine whether to use an adult*  
36 *epinephrine auto-injector or a junior epinephrine auto-injector.*

37 ~~(F)~~

38 (F) Written materials covering the information required under  
39 this subdivision.

(3) Training established pursuant to this subdivision shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies In Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention and the most recent guidelines for medication administration issued by the department.

(4) A school shall retain for reference the written materials prepared under subparagraph ~~(E)~~ (F) of paragraph (2).

(f) A school nurse, or if the school does not have a school nurse or the school nurse is not onsite or available, a school ~~district~~ administrator or his or her designee who has received training pursuant to subdivision (d), shall ~~do the following:~~ *obtain from the local educational agency physician, a physician contracting with the local educational agency, the medical director of the local health department, or the local emergency medical services director a prescription for epinephrine auto-injectors that, at a minimum, includes one adult epinephrine auto-injector and one junior epinephrine auto-injector. The prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers.*

~~(1) Obtain from the school district physician, a physician contracting with the school district, the medical director of the local health department, or the local emergency medical services director a prescription for epinephrine auto-injectors that, at a minimum, includes one adult epinephrine auto-injector and one junior epinephrine auto-injector. The prescription may be filled by local or mail order pharmacies or epinephrine auto-injector manufacturers.~~

~~(2) Immediately~~

(g) A school nurse, or if the school does not have a school nurse or the school nurse is not onsite or available, a school administrator or his or her designee who has received training pursuant to subdivision (d) may administer an epinephrine auto-injector to a person exhibiting potentially life-threatening symptoms of anaphylaxis at school or a school activity when a physician is not immediately available. If the epinephrine auto-injector is used it shall be restocked as soon as reasonably possible. ~~Expired epinephrine~~ Epinephrine auto-injectors shall be restocked before their expiration date.

~~(g)~~

1 (h) A person who has received training as set forth in subdivision  
2 (d) or a school nurse shall initiate emergency medical services or  
3 other appropriate medical follow-up in accordance with the training  
4 materials retained pursuant to paragraph ~~(3)~~ (4) of subdivision (e).

5 ~~(h)~~

6 (i) No later than 30 days after the last day of each school year,  
7 the school nurse or designated employee shall report any incident  
8 of epinephrine auto-injector use to the ~~Superintendent~~ school  
9 district, county office of education, or chartering authority on a  
10 form developed by the Superintendent. In compliance with federal  
11 and state privacy laws, the Superintendent department. The school  
12 district, county office of education, or chartering authority shall  
13 report any incident of epinephrine auto-injector use to the  
14 department on the form developed by the department. Without  
15 violating federal and state privacy laws, the department shall  
16 annually publish the results of the submitted forms on his or her  
17 its Internet Web site.

18 ~~(i)~~

19 (j) A school ~~district or district~~, county office of education, or  
20 charter school using epinephrine auto-injectors for emergency  
21 medical aid shall create a plan to address all of the following issues:

22 (1) Designation of the individual or individuals who will provide  
23 the training pursuant to subdivision (d).

24 (2) Designation of the ~~school district~~ local educational agency  
25 physician, the medical director of the local health department, or  
26 the local emergency medical services director that the school  
27 ~~district or district~~, county office of education, or charter school  
28 will consult for the prescription for epinephrine auto-injectors  
29 pursuant to ~~paragraph (1)~~ of subdivision (f).

30 (3) Documentation as to which individual, the school nurse or  
31 other trained person pursuant to subdivision (f), in the school  
32 ~~district or district~~, county office of education, or charter school  
33 will obtain the prescription from the physician and the medication  
34 from a pharmacist.

35 (4) Documentation as to where the medication is stored and  
36 how the medication will be made readily available in case of an  
37 emergency.

38 (k) A school district, county office of education, or charter  
39 school shall ensure that each employee who volunteers under this  
40 section will be provided defense and indemnification by the school

1 *district, county office of education, or charter school for any and*  
2 *all civil liability, in accordance with, but not limited to, that*  
3 *provided in Division 3.6 (commencing with Section 810) of Title*  
4 *1 of the Government Code. This information shall be reduced to*  
5 *writing, provided to the volunteer, and retained in the volunteer's*  
6 *personnel file.*

7 (j)

8 (l) A public school may accept gifts, grants, and donations from  
9 any source for the support of the public school carrying out the  
10 provisions of this section, including, but not limited to, the  
11 acceptance of epinephrine auto-injectors from a manufacturer or  
12 wholesaler.

13 SEC. 2. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.